

## REMARKS

Applicants appreciate the Examiner's statement that Claims 2-5, 28-31, 34-35, 53 and 71-81 have allowable subject matter.

Applicants will now address the Examiner's remaining objections and rejections in the order in which they appear in the Final Rejection.

### Double Patenting

The Examiner provisionally rejects Claims 1-6, 8, 16-31, 34-35, 42-45, 48-81 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of co-pending Application No. 09/197,767 and over claims 1-26 of co-pending Application 09/550,598. Applicants respectfully request that these rejections be held in abeyance until the claims are otherwise found allowable over the prior art, as the obvious-type double patenting rejections are merely provisional.

### Claim Rejections – 35 USC §103

The Examiner has the following rejections under 35 USC §103:

(a) Claims 1, 6, 8, 42-45, 48-52, 54-59 and 60-70 are rejected as being unpatentable over Sato et al.;

(b) Claims 16-17 and 22-27 are rejected as being unpatentable over Sato et al. in view of Misawa et al.; and

(c) Claims 18-19 are rejected under as being unpatentable over Sato et al. in view of Misawa et al. and Kunii et al.

Each of these rejections is respectfully traversed.

In order to advance the prosecution of this application, Applicants have amended independent Claims 1, 16, 42, and 48 to recite that an upper surface of the pixel electrode is substantially flush with an upper surface of the light absorbing material, as shown in Fig. 1B of the present application (see also page 6 of the specification). None of the cited references disclose or suggest this feature.

The Examiner alleges that this is shown in Fig. 2 in Sato. However, Fig. 2 of Sato discloses that the color filters 13 (which the Examiner contends are light absorbing material) cover the pixel electrodes (electrodes 12a and 12b). The upper surface of pixels 12a and 12b is not flush with filter 13. Hence, neither Sato nor any of the other cited references disclose or suggest the devise of the rejected claims. Accordingly, it is requested that these rejections be withdrawn.

#### Interview

The undersigned requests a telephonic interview with the Examiner to discuss these rejections.

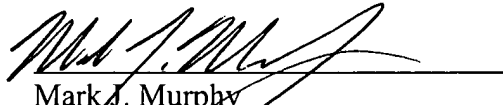
#### Conclusion

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance, and should be allowed.

If any fee is due for this Amendment, please charge deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

  
Mark J. Murphy  
Registration No.: 34,225

COOK, ALEX, McFARRON, MANZO  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street, Suite 2850  
Chicago, Illinois 60606  
(312)236-8500